

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:02CR432
	)	
v.	)	
	)	
JAMES BENFORD,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on defendant's filing a "notice of appeal" (Filing No. 103), in which he seeks to appeal from "the order or judgment entered on 9-14-2009." Upon a review of the record, it is apparent that the order which defendant seeks to appeal from was an order entered on October 14, 2009, denying a motion of defendant to modify his sentence pursuant to 18 U.S.C. § 3582(c)(2). This notice has been filed more than six months after the filing date of the order from which defendant seeks to appeal. No motion was filed showing either excusable neglect or good cause, which would justify the Court to grant leave to appeal out of time. Therefore,

THE COURT FINDS that defendant has not shown either excusable neglect or good cause, and his notice of appeal is untimely filed.

DATED this 14th day of May, 2010.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court